

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

CONNELL FOLEY LLP (JLO6862)

85 Livingston Avenue

Roseland, New Jersey 07068

(973) 535-0500

Attorneys for Defendant, Target Stores, a Division of Target Corporation
(improperly pleaded as Target Corporation, Target Store 1378)

JULIE SILVERMAN,

Plaintiff,

v.

TARGET CORPORATION,

TARGET STORE 1378,

JOHN DOES (1-5) Fictitious Names,

XYZ CORPS (1-5) Fictitious Names,

Defendants.

CIVIL ACTION NO. _____

(HONORABLE _____)

NOTICE OF REMOVAL

TO: THE JUDGES OF THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

This Notice of Removal by the defendant, Target Stores, a Division of Target Corporation (improperly pleaded as Target Corporation, Target Store 1378) ("Target"), a Minnesota corporation, with its principal offices in Minneapolis, Minnesota, through its counsel, Connell Foley LLP, in accordance with the provisions of 28 U.S.C. § 1446, respectfully states:

1. Target desires to exercise its right under the provisions of 28 U.S.C. § 1441 to remove this action from the Superior Court of New Jersey, Law Division, Monmouth County, where the case is now pending under the name and style, Julie Silverman v. Target Stores Corporation, et al., bearing Docket No. MON-L-2971-06.

2. A copy of the Complaint filed by plaintiff on or about June 26, 2006, in the Superior Court of New Jersey is attached as Exhibit "A".

3. Target received the Summons and Complaint in this matter at the subject store on or about July 11, 2006.

4. A copy of Target's Answer to the Complaint, also filed separately, is attached as Exhibit "B".

5. This action is removable to this Court by Target pursuant to the provisions of 28 U.S.C. § 1441(a). Target is a Minnesota corporation with its principal place of business in Minneapolis, Minnesota. In accordance with 28 U.S.C. § 1448(a), "the citizenship of defendants sued under fictitious names shall be disregarded."

6. The above described action is one of which this Court has original jurisdiction under the provisions of 28 U.S.C. § 1332, in that it is a civil action wherein plaintiff will, upon information and belief, allege that damages exceed the sum or value of \$75,000.00, exclusive of interest and costs, and is between citizens of different states.

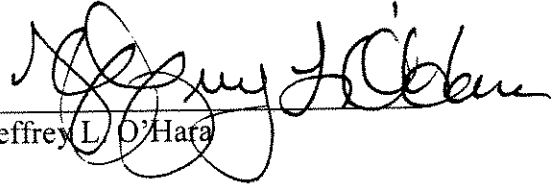
7. As admitted in the Complaint, plaintiff, at the time its action was commenced, was a citizen of the State of New Jersey residing in Monmouth County.

8. Target, at the time this action was commenced, was and still is a corporation organized under the law of the State of Minnesota, with its principal place of business in Minneapolis, Minnesota.

9. The within Notice of Removal is hereby filed within thirty (30) days of Target's first receipt of proper service of plaintiff's Summons and Complaint. See 28 U.S.C. § 1446(a) and (b).

WHEREFORE, defendant, Target Stores, a Division of Target Corporation, prays that the above action now pending against it in the Superior Court of New Jersey, Monmouth County, be removed to this Court pursuant to 28 U.S.C. § 1441(a), (b) and (c).

CONNELL FOLEY LLP
Attorneys for Defendant,
Target Stores, a Division of Target Corporation
(improperly pleaded as Target
Corporation, Target Store 1378)

By 
Jeffrey L. O'Hara

Dated: August 10, 2006

LOCAL CIVIL RULE 11.2

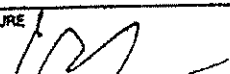
I, Jeffrey L. O'Hara, Esq., hereby certify pursuant to Local Civil Rule 11.2, that the above-captioned matter in controversy is not the subject of any other action pending in any court, or of any pending arbitration or administrative proceeding.

CONNELL FOLEY LLP
Attorneys for Defendant,
Target Stores, a Division of Target Corporation
(improperly pleaded as Target
Corporation, Target Store 1378)

By 
Jeffrey L. O'Hara

Dated: August 10, 2006

EXHIBIT A

FOR USE BY CLERK'S OFFICE ONLY	
CIVIL CASE INFORMATION STATEMENT (CIS)	
Use for Initial Law Division - Civil Part pleadings (not motions) under Rule 4:5-1. Pleading will be rejected for filing, under Rule 1:5-6(c), if information above the black bar is not completed or if attorney's signature is not affixed.	
ATTORNEY/PROSE NAME WILLIAM P. RONNER	
TELEPHONE NUMBER (732) 774-7800	
COUNTY OF VENUE MONMOUTH	
FIRM NAME (if applicable)	
DOCKET NUMBER (When available) L-2971-C	
OFFICE ADDRESS P.O. Box 275 319 Main Street Avon, New Jersey 07717	
DOCUMENT TYPE COMPLAINT	
JURY DEMAND <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	
NAME OF PARTY (e.g. John Doe, Plaintiff) JULIE SILVERMAN	
CAPTION SILVERMAN v. TARGET CORPORATION, et al.	
CASE TYPE NUMBER (See reverse side for listing) 605	
IS THIS A PROFESSIONAL MALPRACTICE CASE? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO IF YOU HAVE CHECKED "YES," SEE N.J.S.A. 2A:53A-27 AND APPLICABLE CASE LAW REGARDING YOUR OBLIGATION TO FILE AN AFFIDAVIT OF MERIT.	
RELATED CASES PENDING? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
IF YES, LIST DOCKET NUMBERS	
DO YOU ANTICIPATE ADDING ANY PARTIES (arising out of same transaction or occurrence)? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
NAME OF DEFENDANT'S PRIMARY INSURANCE COMPANY, IF KNOWN <input type="checkbox"/> NONE <input type="checkbox"/> UNKNOWN SEDGWICK CMS	
THE INFORMATION PROVIDED ON THIS FORM CANNOT BE INTRODUCED INTO EVIDENCE.	
CASE CHARACTERISTICS FOR PURPOSES OF DETERMINING IF CASE IS APPROPRIATE FOR MEDIATION	
A. DO PARTIES HAVE A CURRENT, PAST OR RECURRENT RELATIONSHIP? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
IF YES, IS THAT RELATIONSHIP <input type="checkbox"/> EMPLOYER-EMPLOYEE <input type="checkbox"/> FRIEND / NEIGHBOR <input type="checkbox"/> OTHER (explain) _____ <input type="checkbox"/> FAMILIAL <input type="checkbox"/> BUSINESS	
B. DOES THE STATUTE GOVERNING THIS CASE PROVIDE FOR PAYMENT OF FEES BY THE LOSING PARTY? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
USE THIS SPACE TO ALERT THE COURT TO ANY SPECIAL CASE CHARACTERISTICS THAT MAY WARRANT INDIVIDUAL MANAGEMENT OR ACCELERATED DISPOSITION: NONE	
DO YOU OR YOUR CLIENT NEED ANY DISABILITY ACCOMMODATIONS? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
IF YES, PLEASE IDENTIFY THE REQUESTED ACCOMMODATION: _____	
WILL AN INTERPRETER BE NEEDED? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
IF YES, FOR WHAT LANGUAGE: _____	
ATTORNEY SIGNATURE 	

WILLIAM P. RONNER, ESQUIRE
A PROFESSIONAL CORPORATION
319 MAIN STREET,
P. O. BOX 275,
AVON, NEW JERSEY 07717
(732) 774-7800
ATTORNEY FOR THE PLAINTIFF(S)

JULIE SILVERMAN,

Plaintiff(s),

v.

TARGET CORPORATION,
TARGET STORE 1378,
GUYS' LIQUOR STORE,
JOHN DOES (1-5) FICTITIOUS NAMES
XYZ CORPS (1-5) FICTITIOUS NAMES

Defendant(s)

: SUPERIOR COURT OF NEW JERSEY
LAW DIVISION
: MONMOUTH COUNTY

: Docket No. MON-L-2971-06

: Civil Action

SUMMONS

THE STATE OF NEW JERSEY TO THE ABOVE NAMED DEFENDANT(S):

TARGET CORPORATION

YOU ARE HEREBY SUMMONED in a Civil Action in the Superior Court of New Jersey, instituted by the above named plaintiff(s), and required to serve upon the attorney(s) for the plaintiff(s) whose name and office address appears above, and answer to the annexed complaint within 35 days after the service of the summons and complaint upon you, exclusive of the day of service. If you fail to answer, judgment by default may be rendered against you for the relief demanded in the complaint. You shall promptly file your answer and proof of service thereof with the Clerk of the Superior Court, at P.O. Box 1252, MONMOUTH COUNTY COURTHOUSE, FREEHOLD, NEW JERSEY 07728, in accordance with the rules of civil practice and procedure.

If you cannot afford to pay for an attorney, call a Legal Service Office. An individual not eligible for free legal assistance may obtain a referral to an attorney by calling the county lawyer referral service. These numbers may be listed in the yellow pages of your phone book or may be obtained by calling the New Jersey State Bar Association Lawyer Referral Service toll free 1-800-792-8315 (within New Jersey) or (609) 394-1101 (from out of state). The phone numbers for the county in which this action is pending are: Lawyer Referral Service (732) 431-5544, Legal Services Office (732) 776-7733.

Dated: July 6, 2006

15/Donald F. Phelan
DONALD F. PHELAN, CLERK
OF THE SUPERIOR COURT

Name of defendant to be served: **TARGET CORPORATION**
Address for service : **SEAVIEW SQUARE MALL, ROUTE 66,**
OCEAN, NEW JERSEY 07712

Report # 480371E

WILLIAM P. RONNER, ESQUIRE
A PROFESSIONAL CORPORATION
319 MAIN STREET,
P. O. BOX 275,
AVON, NEW JERSEY 07717
(732) 774-7800
ATTORNEY FOR THE PLAINTIFF(S)

KK

RECEIVED ON

JUL 14 2006

FORWARDED TO DP
dtd 11/18/05

JULIE SILVERMAN,

Plaintiff(s),

v.

TARGET CORPORATION,
TARGET STORE 1378,
GUYS' LIQUOR STORE,
JOHN DOES (1-5) FICTITIOUS NAMES
XYZ CORPS (1-5) FICTITIOUS NAMES

Defendant(s)

: SUPERIOR COURT OF NEW JERSEY
LAW DIVISION
: MONMOUTH COUNTY

: Docket No. MON-L-2971-06

: Civil Action

SUMMONS

THE STATE OF NEW JERSEY TO THE ABOVE NAMED DEFENDANT(S):

TARGET STORE 1378

YOU ARE HEREBY SUMMONED in a Civil Action in the Superior Court of New Jersey, instituted by the above named plaintiff(s), and required to serve upon the attorney(s) for the plaintiff(s) whose name and office address appears above, and answer to the annexed complaint within 35 days after the service of the summons and complaint upon you, exclusive of the day of service. If you fail to answer, judgment by default may be rendered against you for the relief demanded in the complaint. You shall promptly file your answer and proof of service thereof with the Clerk of the Superior Court, at P.O. Box 1252, MONMOUTH COUNTY COURTHOUSE, FREEHOLD, NEW JERSEY 07728, in accordance with the rules of civil practice and procedure.

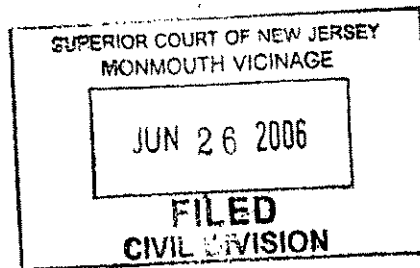
If you cannot afford to pay for an attorney, call a Legal Service Office. An individual not eligible for free legal assistance may obtain a referral to an attorney by calling the county lawyer referral service. These numbers may be listed in the yellow pages of your phone book or may be obtained by calling the New Jersey State Bar Association Lawyer Referral Service toll free 1-800-792-8315 (within New Jersey) or (609) 394-1101 (from out of state). The phone numbers for the county in which this action is pending are: Lawyer Referral Service (732) 431-5544, Legal Services Office (732) 776-7733.

Dated: July 6, 2006

151 Daniel F. Phelan
DONALD F. PHELAN, CLERK
OF THE SUPERIOR COURT

Name of defendant to be served: **TARGET STORE 1378**
Address for service : **SEAVIEW SQUARE MALL, ROUTE 66,**
OCEAN, NEW JERSEY 07712

WILLIAM P. RONNER, ESQ.
A PROFESSIONAL CORPORATION
319 MAIN STREET
P.O. BOX 275
AVON, NEW JERSEY 07717
(732) 774-7800
ATTORNEY FOR PLAINTIFF(S)



JULIE SILVERMAN,

Plaintiff(s)

v.

TARGET CORPORATION,
TARGET STORE 1378,
JOHN DOES (1-5) Fictitious Names,
XYZ CORPS (1-5) Fictitious Names,

Defendants,

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION
MONMOUTH COUNTY

DOCKET NO.:

L-2941-06

Civil Action

COMPLAINT, DEMAND FOR ANSWERS
TO INTERROGATORIES, DEMAND FOR
PRODUCTION OF DOCUMENTS, DEMAND
FOR INSURANCE COVERAGE, DEMAND
FOR CLIENT'S STATEMENTS, JURY
DEMAND, TRIAL COUNSEL
DESIGNATION

Plaintiff, Julie Silverman, residing at 705 Greens Avenue, City of Long Branch, County of Monmouth, State of New Jersey, by way of Complaint, says:

FIRST COUNT

1. On or about July 2, 2004 plaintiff, Julie Silverman, was a business invitee on the property owned and/or operated and/or leased and/or constructed and/or maintained by the defendants, Target Corporation, located at 2331 State Route 66 in the Township of Ocean, County of Monmouth, State of New Jersey.

2. On or about July 2, 2004 plaintiff, Julie Silverman, was a business invitee on the property owned and/or operated and/or leased and/or constructed and/or maintained by the defendants Target Store 1378, located at 2331 State Route 66 in the Township of Ocean, County of Monmouth, State of New Jersey.

3. At all times mentioned hereinafter, defendants John Does 1 to 5 and XYZ Corporations 1 to 5 owned and/or operated and/or leased and/or constructed the property located at 2331 State Route 66 in the Township of Ocean, County of Monmouth, State of New Jersey.

4. At said time and place, plaintiff, Julie Silverman, was on the property of said defendants, and was caused to fall due to the negligence of the defendants and/or their agents, servants, representatives and employees.

5. Defendants were negligent in that they:
- a. Did not keep the premises in a safe condition;
 - b. Did not exercise the proper care;
 - c. Caused a dangerous and hazardous condition to exist;
 - d. Allowed a nuisance to exist;
 - e. Failed to provide proper safeguard and/or warnings on their property;
 - f. Failed to provide proper, safe and clear access for persons allowed and invited to use the property;
 - g. And were otherwise negligent in the premises.

6. As a direct and proximate result of the aforesaid negligence of the defendants, the plaintiff, Julie Silverman has sustained bodily injuries resulting in a permanent. Further, plaintiff has incurred and in the future will incur expenses for the treatment of said injuries, has been disabled and in the future will be disabled and unable to perform usual functions, has been caused and in the future will be caused great pain and suffering, to great loss and damage.

WHEREFORE, Plaintiff, demands judgment against the defendants for damages and costs of suit.

JURY DEMAND

The Plaintiff hereby demands a trial by jury.

3. At all times mentioned hereinafter, defendants John Does 1 to 5 and XYZ Corporations 1 to 5 owned and/or operated and/or leased and/or constructed the property located at 2331 State Route 66 in the Township of Ocean, County of Monmouth, State of New Jersey.

4. At said time and place, plaintiff, Julie Silverman, was on the property of said defendants, and was caused to fall due to the negligence of the defendants and/or their agents, servants, representatives and employees.

5. Defendants were negligent in that they:
- a. Did not keep the premises in a safe condition;
 - b. Did not exercise the proper care;
 - c. Caused a dangerous and hazardous condition to exist;
 - d. Allowed a nuisance to exist;
 - e. Failed to provide proper safeguard and/or warnings on their property;
 - f. Failed to provide proper, safe and clear access for persons allowed and invited to use the property;
 - g. And were otherwise negligent in the premises.

6. As a direct and proximate result of the aforesaid negligence of the defendants, the plaintiff, Julie Silverman has sustained bodily injuries resulting in a permanent. Further, plaintiff has incurred and in the future will incur expenses for the treatment of said injuries, has been disabled and in the future will be disabled and unable to perform usual functions, has been caused and in the future will be caused great pain and suffering, to great loss and damage.

WHEREFORE, Plaintiff, demands judgment against the defendants for damages and costs of suit.

JURY DEMAND

The Plaintiff hereby demands a trial by jury.

EXHIBIT B

CIVIL COVER SHEET

The JS44 Civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law except as provided by local rules of court. This form approved by the Judicial Conference of the United States in September 1974 is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM)

I(a) PLAINTIFFS

Julie Silverman

**(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF:
EXCEPT IN U.S. PLAINTIFF CASES)****DEFENDANTS**

Target Stores, a Division of Target Corporation

**COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT:
(IN U.S. PLAINTIFF CASES ONLY)**

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED

(c) ATTORNEYS (FIRST NAME, ADDRESS, AND TELEPHONE NUMBER)

William P. Ronner, Esq.
319 Main Street
P.O. Box 276
Avon, New Jersey 07717

ATTORNEYS (IF KNOWN)

Jeffrey L. O'Hara, Esq.
Connell Foley LLP
85 Livingston Avenue
Roseland, New Jersey 07068
973-636-0600

II. BASIS OF JURISDICTION (PLACE AN x IN ONE BOX ONLY)

- ☐ 1 U.S. Government Plaintiff ☐ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☒ 4 Diversity (indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES

(For Diversity Cases Only)

(PLACE AN x IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT)

- | | PTF | DEF | | PTF | DEF |
|---|---------------------------------------|----------------------------|---|----------------------------|---------------------------------------|
| Citizen of This State | <input checked="" type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business in This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5 | <input checked="" type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE. DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY)
28 U.S.C. 1441. Plaintiff was purportedly injured at department store.**V. NATURE OF SUIT (PLACE AN x IN ONE BOX ONLY)**

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicate Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input checked="" type="checkbox"/> 360 Other Personal Injury PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury-Medical Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage - Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 400 State Reappointment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commercial/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitution of State Statutes <input type="checkbox"/> 890 Other Statutory Actions
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to vacate Sentence Habeas Corpus <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Other	LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor Management Relations <input type="checkbox"/> 730 Labor/Management Reporting & Disclosure Act <input type="checkbox"/> 740 Family Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS - Third Party 28 USC 7609

VI. ORIGIN

(PLACE AN x IN ONE BOX ONLY)

- ☐ 1. Original Proceeding ☒ 2. Removed from State Court ☐ 3. Remanded from Appellate Division ☐ 4. Reinstated or Reopened ☐ 5. Transferred from another district (specify) ☐ 6. Multidistrict Litigation ☐ 7. Appeal to District Judge from Magistrate Judgment

VII. REQUESTED IN COMPLAINT:
☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

Check YES only if demanded in complaint:

JURY DEMAND ☒ YES ☐ NO**VIII. RELATED CASE(S) (See instructions) IF ANY:**

JUDGE:

DOCKET NUMBER:

DATE

SIGNATURE OF ATTORNEY OF RECORD:

August 10, 2006

Jeffrey L. O'Hara, Esq.

UNITED STATES DISTRICT COURT

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

CONNELL FOLEY LLP (JLO6862)

85 Livingston Avenue

Roseland, New Jersey 07068

(973) 535-0500

Attorneys for Defendant, Target Stores, a Division of Target Corporation
(improperly pleaded as Target Corporation, Target Store 1378)

JULIE SILVERMAN,

Plaintiff,

v.

TARGET CORPORATION,

TARGET STORE 1378,

JOHN DOES (1-5) Fictitious Names,

XYZ CORPS (1-5) Fictitious Names,

Defendants.

CIVIL ACTION NO. L-2971-06

**ANSWER TO COMPLAINT, SEPARATE
DEFENSES, REQUEST FOR
STATEMENT OF DAMAGES, JURY
DEMAND, DESIGNATION OF TRIAL
COUNSEL AND CERTIFICATION**

Defendant, Target Stores, a Division of Target Corporation, ("Target"), (improperly pleaded as Target Corporation, Target Store 1378), by way of Answer to the allegations set forth in Plaintiff's Complaint hereby says:

FIRST COUNT

1. Target lacks sufficient knowledge as to the allegations set forth in Paragraph 1 of the First Count of the Complaint on which to form a basis to admit or deny those allegations and therefore no response is interposed thereto. Target admits it owns the building but leases the land on which Target Store No. T1378 is located in Ocean Township, New Jersey from Starwood Heller Searview LLC.

2. Target lacks sufficient knowledge as to the allegations set forth in Paragraph 2 of the First Count of the Complaint on which to form a basis to admit or deny those allegations and therefore no response is interposed thereto. Target admits it owns the building but leases the

land on which Target Store No. T1378 is located in Ocean Township, New Jersey from Starwood Heller Searview LLC.

3. The allegations of Paragraph 3 of the First Count of the Complaint do not apply to Target but to the extent that they are deemed to apply they are denied.

4. Target denies the allegations set forth in Paragraph 4 of the First Count of the Complaint.

5. Target denies the allegations set forth in Paragraph 5 of the First Count of the Complaint.

6. Target denies the allegations set forth in Paragraph 6 of the First Count of the Complaint.

FIRST SEPARATE DEFENSE

Upon information and belief, plaintiff's Complaint fails to state a cause of action against Target upon which relief may be granted.

SECOND SEPARATE DEFENSE

Upon information and belief, plaintiff's Complaint fails to set forth any facts which are sufficient to support a claim of negligence as to Target.

THIRD SEPARATE DEFENSE

Upon information and belief, the injuries about which plaintiff complains were not proximately caused by any authorized actions by Target and/or its employees, agents, servants or representatives.

FOURTH SEPARATE DEFENSE

Upon information and belief, plaintiff's right to recover damages is either barred or diminished by plaintiff's actions under the doctrine of comparative negligence.

FIFTH SEPARATE DEFENSE

Upon information and belief, plaintiff's injuries were caused by third parties over whom Target had no control.

SIXTH SEPARATE DEFENSE

Upon information and belief, Target breached no duty owed or owing to plaintiff at all relevant times.

**RESERVATION OF COUNTERCLAIM UNDER
N.J.S.A. 2A:15-59.1 AND/OR R. 11**

Target hereby asserts that an award of counsel fees and costs may be sought at the appropriate time due to the frivolous nature of this action.

REQUEST FOR STATEMENT OF DAMAGES

Kindly provide the undersigned, within five days after service of this demand, with a written statement of the amount of damages claimed in this action.

JURY DEMAND

Target hereby demands a trial by jury.

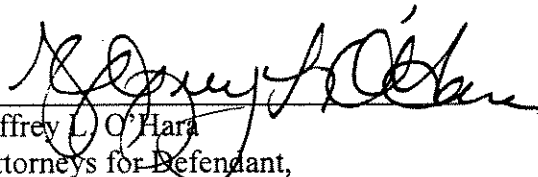
DESIGNATION OF TRIAL COUNSEL

Pursuant to the Rules of Court, Target hereby designates Jeffrey L. O'Hara and Connell Foley LLP as trial counsel in this matter.

LOCAL CIVIL RULE 11.2

I, Jeffrey L. O'Hara, hereby certify pursuant to Local Civil Rule 11.2, that the above-captioned matter in controversy is not the subject of any other action pending in any court, or of any pending arbitration or administrative proceeding.

CONNELL FOLEY LLP

By: 
Jeffrey L. O'Hara
Attorneys for Defendant,
Target Stores, a Division
of Target Corporation

Dated: August 10, 2006